

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

EDUARDO VIZCAYNO, #2042663

§

VS.

§

CIVIL ACTION NO. 6:18cv245

C. E. MONROE

§

ORDER OF DISMISSAL

Plaintiff Eduardo Vizcayno, an inmate confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit. The lawsuit was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that case should be dismissed. Plaintiff has filed objections.

A recommendation was made to dismiss the case for failure to obey an order and want of prosecution because Plaintiff did not comply with multiple orders to submit a current six month history of his inmate trust account, which the Texas prison system refers to as an *in forma pauperis* data sheet. In another lawsuit filed more recently, Civil Action Number 6:18cv440, Plaintiff submitted an *in forma pauperis* data sheet. He has the ability to comply with the order, but he failed to do so in the present case.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without merit.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is accordingly

ORDERED that the case is **DISMISSED** without prejudice for failure to obey an order and want of prosecution. Fed. R. Civ. P. 41(b). All motions not previously ruled on are hereby **DENIED**.

SIGNED this the 16 day of **October, 2018**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge